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April 20, 2022

Hon. Denise Cote
U.S.D.J.
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: RLI Insurance Co. v. Pro-Metal Construction, Inc., 1:18-cv-2762

Dear Judge Cote:

This firm is in the process of being retained as and substituted in as counsel for Defendants/Counterclaimants Pro-Metal Construction, Inc. (“Pro-Metal”), Aglaia Meris, and Elias Meris (collectively, “Defendants”) in the above-referenced action. Given the observance of Passover by me and of Greek Orthodox Easter by my clients, we expect to have the substitution of counsel paperwork completed by early next week. The Court issued an order on this matter, dated April 15, 2022 Order (Dkt. 133) requiring the parties to file a joint status update by April 20, 2022 (the “Order”). Based on our attempts to finalize the substitution of counsel forms and our need to review and analyze the details of this case, we write to request a brief adjournment of the deadline set forth in the Order—until April 29, 2022—to provide a joint status report to the Court.

As the Court may be aware, this matter relates to an underlying prevailing wage and FLSA matter bearing the index number 653265/2012, that was pending in Supreme Court, State of New York, County of New York (the “Underlying Action”). (Last year, this firm substituted in as counsel in the Underlying Action.). In January 2022, the Court held a fairness hearing in the Underlying Action and entered a judgment against Pro-Metal. Subsequently, Pro-Metal timely filed a notice of appeal in the Underlying Action and posted an appeal bond for approximately \$2.1 million, an amount that exceeded the judgment. Despite Pro-Metal’s intention to perfect the appeal, the parties in the Underlying Action have been working together to try to settle and finally resolve this matter.

Plaintiff RLI Insurance Co. consents to this request for a brief adjournment, which is the first request for an extension of the deadline set forth in the Order.

We thank the Court for its attention to this matter.

Granted.

Date: April 20, 2022

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'AK SKG', written over the typed name 'Adam S. Katz, Esq.'.

Adam S. Katz, Esq.

A handwritten signature in blue ink, appearing to read 'Denise Cote', written over the typed name 'DENISE COTE'.

DENISE COTE
United States District Judge

AK:sd

Please send mail to our scanning center at: PO Box 880, Buffalo NY 14201